

AFFIDAVIT

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

EDWIN OLIVA, being duly sworn, hereby deposes and says, under penalty of perjury:

1. I am currently incarcerated at AMKC, Rikers Island.
2. On March 1, 1994, I was arrested by police from the 90th Precinct, Brooklyn, for a robbery I committed at 126 Graham Avenue.
3. I had been on a long drug binge. I used crack, heroin, marijuana.
4. Detectives questioned me about the murder of the landlord at 126 Graham Avenue. I was tired, hungry, disoriented, strung out.
5. I told detectives I knew Jabbar Collins for years, that we got high together, and I heard on the street he was in trouble and arrested for it. But I told them I had no personal knowledge about it. They took detailed notes.
6. They told me I might be in trouble for the murder, for conspiracy. They told me to sign a paper about what we talked about. I signed it without reading it.
7. After I pleaded guilty and was sentenced, I was sent Upstate to Ulster Correctional Facility. After about 10 days, I was transferred to Cape Vincent, where I was found eligible for work release, then to Chateaugay Alcohol and Substance Abuse Center. I graduated from the program at the end of the year.

8. In January, 1995, I was accepted into Esmor, a residential drug treatment and work release program on Myrtle Avenue in Brooklyn. I received a job as a messenger working at Top Job Personnel.

9. Two ADAs, Michael Vecchione and Charles Posner, then brought me to their office to discuss my testifying. I told them I had no knowledge that Jabbar committed the murder and when they showed me my signature on the "statement" to detectives, that I had been tricked. I refused to testify. They brought me back more times and each time I told them I would not testify and that I had no knowledge of the murder. I asked for a lawyer but they refused to help me. I could not afford a lawyer.

10. The ADAs threatened to prosecute me for conspiracy to murder if I did not cooperate and to send me back to prison.

11. In late February, 1995, I was suspended from the Esmor Program for an "unresolved criminal matter." I was transferred to Lincoln Correctional Facility and housed in a secure area.

12. ADA Posner then visited me and said that he had warned me. I refused to testify to a lie.

13. A sham hearing was held by the Temporary Release Committee and I was suspended due to an unresolved "criminal issue." The "criminal issue" was my refusal to testify. I had no other open criminal "issues."

14. On March 1, 1995, I was transferred back to Ulster Correctional Facility. I

was devastated. I realized that Vecchione and Posner were serious and could do whatever they threatened.

15. DA's detectives then took me back to their office from Ulster. Posner promised me that if I testified I would be restored to work release. I felt trapped and desperate and so I agreed. Over the next few days the ADAs rehearsed my testimony with me.

16. During my testimony, I falsely accused Jabbar Collins of planning the robbery and of discarding the weapon. The ADAs knew that I told them this was untrue.

17. They had me testify that I had been serving my sentence at Ulster for a year, when in reality I had been in a drug program and work release, and I ended up at Ulster only because I would not testify falsely against Jabbar. Really I was only at Ulster a total of two or three weeks.

18. A few days after testifying, I was returned to Ulster. I signed a "Temporary Release Waiver" that I had cooperated with the D.A. but did not want protective custody.

19. In the middle of March, 1995, I was restored to work release. I got my messenger job back.

20. Later that month, I was brought back to the DA's Office. I told Posner I did not want to be relocated and declined a cash reward because my testimony had been false.

21. By May, I received a permanent furlough. I only had to report to my counselor at Lincoln once a week. I was essentially free.

22. To my knowledge Vecchione never wrote to parole for my release because the deal was I would be restored to work release and I was.

23. This affidavit was prepared by Joel Rudin, the attorney for Jabbar Collins, after Mr. Rudin interviewed me in the presence of my attorney, Roland Acevedo, on January 20, 2006. This is the first time I met or spoke with Mr. Rudin or any attorney or investigator for Jabbar. Mr. Rudin read this affidavit to me in front of Mr. Acevedo and I signed it in their presence. It does not contain all the details of the events described.

_____/s/_____
EDWIN OLIVA

Sworn to before me this
20th day of January, 2006

Notary Public

Witnessed By: Roland R. Acevedo